

3 PRIMROSE STREET
NEWTOWN, CT 06470
TEL. (203) 270-4276



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
REGULAR MEETING

Thursday, January 6, 2022 at 7:00 p.m.
Council Chambers, Newtown Municipal Center
3 Primrose Street, Newtown, CT 06470

Present: Dennis Bloom, Connie Widmann, Kersti Ferguson, Brian Leonardi, Gregory Rich

Absent: Roy Meadows, Corrine Cox, David Rosen

Staff: Rob Sibley, Deputy Director of Planning, Helen Fahey, Clerk

Mr. Bloom called the meeting to order at 7:00pm. Mr. Bloom decided Mr. Leonardi and Ms. Widmann would sit in place of Mr. Meadows and Ms. Cox for the applications.

Public Hearings

Application 21.28 by Robert Sherwood, for a Zone Change, for a property located at 35 South Main Street, so as to change the Zone from R-1/2 to South Main Village Design District #11 (SMVDD11) as demonstrated on a set of plans titled, "Town Walk Residences on South Main, Newtown CT" dated November 7, 2021 and documents submitted to the Land Use Agency dated received November 16, 2021.

Application 21.29 by Robert Sherwood, for a Text Amendment to the Zoning Regulations of the Town of Newtown, for a new South Main Village Design District (SMVDD11) located at 35 South Main Street, so as to permit the construction of a three-story residential building for apartments as described in documents submitted to the Land Use Agency dated received November 16, 2021.

Application 21.30 by Robert Sherwood, for a Site Development Plan, for a property located at 35 South Main Street, so as to permit apartments located within the South Main Village Design District, as demonstrated on a set of plans titled, "Town Walk Residences on South Main, Newtown CT" dated November 7, 2021 and documents submitted to the Land Use Agency dated received November 16, 2021.

Robert Sherwood, landscape architect of Brookfield, CT, said he will address the drainage issues, traffic study and the question of if there is a need for such a building that were brought up last meeting. Mr. Sherwood said luxury rental apartments are needed to offer more people the opportunity to come to Newtown. Mr. Sherwood addressed the drainage concerns. All the storm water will drain into two underground chambers and overflow into an existing culvert. Mr. Sherwood noted that town engineer, Ron Bolmer, mentioned the cut and fill calculations were missing in his review. He has done the calculations since then and the removal of fill on site is minimal, a little under 600 cubic yards will have to be hauled off site.

Mike Galante, traffic engineer of Hardesty & Hanover, presented his findings. He explained the findings have to be submitted to the CT Department of Transportation in order to receive an encroachment permit to build a

driveway. The CT DOT looks at drainage and traffic as part of that encroachment permit. The proposed project will generate 31 trips in the AM and 32 trips in the PM. All traffic will be through the Main Street driveway. The driveway on the side is an emergency driveway that is not open to the public or to be used by residents. The driveway will be stop sign controlled with one lane in and one lane out. Mr. Galante said in essence, the traffic study shows traffic counts increased by 31-32 trips during peak hours. He said looking at the site distance analysis his recommendation would be to have a stop sign on the driveway exit.

Mr. Leonardi asked what the threshold is for which a stop sign is acceptable versus a stop light at the entry and egress. Mr. Galante explained the threshold is 75 vehicles coming out of the driveway in an 8hr period. While the criteria is met for South Main Street, it doesn't exist for the driveway. He further expressed that having this criteria is important because too many stop lights creates unsafe conditions.

Mr. Bloom expressed issues with the height of the building, he thinks that three stories is a lot to ask in that section of town. Mr. Leonardi said the SMVDD mentions it should protect the distinctive character of the district, he has a hard time rationalizing going from R ½ zone where the footprint of the building should be no more than 1,600 sq. ft. to a three story building.

Mr. Rich questioned if issues like drainage, site lines and light pollution were being addressed. Mr. Sherwood said a lighting plan has been provided that addresses how much light pollution will cross over. He said while there are certain safety codes that need to be met, the issue of light pollution has been addressed. Lower pole lights will be used that are not elevated high in the air and small lights will be used to light the walkways. There will be very minimal lighting all around the parking lot, front walkway and entrance.

Mr. Sherwood addressed the issue of apartment density and size of the structure. He spoke of the distinct change from residential to commercial buildings in this area. Mr. Sherwood felt going from a residential to strictly commercial area without a transition is not appropriate but utilizing a residential component to transition is. He pointed out the proposed building does sit back from the road a bit to encourage a residential feel along with parking in the back. There is a bigger lawn scape and evergreen planting at about 10-11ft tall which will block a lot of the view into neighboring properties. Mr. Sherwood explained that due to elevation change from Borough Lane to the property site, the building will appear to be roughly the same height as 11 Borough Lane. Mr. Sherwood shared images and building sizes of approved projects throughout SMVDD to show that he is within the guidelines. He also showed other apartment complexes throughout Newtown similar in size to his project.

Mr. Bloom agreed that there has been a lot of changes to South Main Street, but his issue is with the location and going from three houses to a three story building.

Mr. Bloom asked if there is an elevator for the handicapped. Mr. Sherwood said yes, there will be two sets of staircases and one elevator. Per the Health Department there will be a transfer switch to run emergency lighting in the common areas, heat, AC and the elevator.

Mr. Bloom invited public comment.

Gary Sheehan, 72 Queen Street, spoke of his concern with keeping his neighborhood a neighborhood. He said ten prior applications came through SMVDD. Five have been on residential property and five on commercial

property all ten were approved. He said this application is different because the lot is in a neighborhood where the property is residential zoned. Mr. Sheehan wondered where guests will park. He was also concerned with residents turning right onto Borough Lane and right onto Queen Street when exiting the building to avoid making a left onto South Main Street. Mr. Sheehan asked who will have access to the key that locks the emergency egress off Borough Lane, how quickly can it be opened in an emergency and will the egress get used daily. He had questions on the effects this would have on the sewer capacity. Mr. Sheehan said the project does not support the character of the neighborhood or Newtown.

Marlene Dango, 11 Borough Lane, felt the building didn't meet any of the SMVDD regulations. She said the building is well designed but doesn't belong in the location. She expressed concerns with the parking as well. Ms. Dango said the project belongs in a more commercial zone like down south of Walgreens.

Blanca Sheehan, 72 Queen Street, spoke about the traffic issues that already exist on South Main and Queen Street. She felt the traffic engineer's analysis of two trips in and out per apartment is unreasonable because that is assuming it will be a two-person household and Newtown is a kid friendly town which leads to a lot of extra traffic.

Priscilla Jones, 5 Meadow Road, said in last two years cars cutting from Main Street through Queen Street has increased tremendously. She said using Borough Lane as a cut through to Queen Street will become a reality. Ms. Jones spoke about walking the sidewalks and expressed concerns with cars pulling out onto Main Street who will not be looking out for the walkers.

Linden Thomas, 22 Juniper Road, spoke about curb cut management. He said in the last ten years traffic has gone up. He questioned how the adjustment from the edge of residential Borough Lane into commercial South Main Street will be made. Mr. Thomas told the commissioners to really spend time reviewing the traffic statistics as traffic is the overriding concern.

Richard Mccanlus, 5 Concord Ridge Road, has been in Newtown for 3 months. He shared his experience with a single family dwelling in his old residential Washington DC neighborhood that was turned into 32 unit condominium. Eventually, the population density hit a point where the infrastructure couldn't support it. They underwent electric, sewer, and water upgrades to the point that it became unlivable. He said that many intersections started out as four way intersections but eventually turned into massive light poles and his concern is that the same thing could happen with this project.

Jim Swift, 11 Cedarhurst Trail, asked Mr. Sibley if the style of building is allowed in the regulations. Mr. Sibley said the Design Advisory Board had to review the application and they have given their recommendation to the style of the building. Mr. Swift said this style apartment is not allowed in the regulations but how they get here is through the design district. He read some of the SMVDD regulations and said he doesn't think the application belongs in our town. Mr. Swift said the Sandy Hook apartments that Mr. Sherwood spoke of earlier were approved under 8-30g which follows state regulations not the towns.

Doug Nelson, 14 Boulevard, asked the commission if there has been discussion on the text amendment or zone change applications because most of the discussion has been on the site development application. Mr. Bloom said all three applications are being discussed. Mr. Nelson said the town knew many years ago that apartments would be in high demand so zones were put in that allow apartments. However, nowhere in the R1 or R2 zones

are apartments addressed. They are addressed in three zones which are elderly housing zone, mixed income housing zone, and the incentive housing overlay zone (IHOZ). He spoke about the density and minimum acre requirements of these zones as well as the purpose and intent and 8 considerations of the SMVDD.

Elizabeth Lincoln, Echo Valley Road, spoke of her concerns with the traffic especially when issues happen on 84 because drivers go through Newtown for a shortcut. She said the town has to be careful not to lose its character and thus the desire for people to live in Newtown. She said the project is not suitable for the property. Moving the project down across from Sand Hill Plaza would be doing Newtown a favor. Ms. Lincoln expressed that rental properties have an aura that the people who live there will not care about Newtown.

Don Mitchell, 8 Budd Drive, said there still needs to be an application for changing of zone to IHOZ. The application has to include an affordability plan as part of the IHOZ that Mr. Mitchell has not seen yet. Mr. Mitchell spoke about the portion of SMVDD that includes preservation of historic structures. He said there has been no addressing the structure that exists on the lot and if it has any historic value. Mr. Mitchell said he believes the structure to be a Norman Rockwell New England Farmhouse. There are only a handful of that style of New England architecture in all of South Main Street and it's worth preserving. Mr. Mitchell explained that in the SMVDD, the underlying uses are still allowed so if this application is approved as its written the apartment complex doesn't have to be built. To that point, Mr. Mitchell spoke about the need to have a traffic study that analyzes traffic under its most intense use. Mr. Mitchell said he doesn't see how the applications can be approved as its drafted, and he believes it is the wrong location for that size of building to be right on the edge of protected Borough Main Street.

Mr. Sherwood responded to public comment and clarified that many apartments are built where they are because of the location to town sewer and water. In response to the comment on the Sandy Hook apartments being an 8-30g application, Mr. Sherwood said he believes Farrell properties was an incentive based housing application not 8-30g. He addressed Mr. Mitchell's comments by saying he has no intention of changing the approval, an apartment building is what he plans on building. Mr. Sherwood mentioned he did believe the property to be business zoned in his first draft but that has since been revised to have an R1/2 underlying zone. Mr. Sherwood said he will look at the project and pin point how he is abiding by the SMVDD regulations.

Ms. Widmann asked what the plan is for the emergency egress on Borough Lane. Mr. Sherwood said his plan, which was proposed to the Design Advisory Board, is to have a solid wood gate that resembles an old cattle gate. He will find out who has access to the key for the gate from the Fire Marshall. Mr. Sibley said there is something called a Knox Box that houses all keys and codes to the building. All the fire trucks have keys for the box.

Ms. Widmann asked about parking for visitors. Mr. Sherwood said the one bedroom apartments are designated 1.5 parking spaces, two and three bedroom apartments are designated 2 spaces and there is 1 guest parking space per four units.

Mr. Bloom asked if the commission had any further comments. Hearing none, Mr. Leonardi moved to closed applications 21.28, 21.29 and 21.30. Ms. Ferguson seconded. All were in favor and the public hearings were closed at 8:48pm.

Approval of Minutes

Ms. Widmann moved to approve the minutes of December 16, 2021. Ms. Ferguson seconded. All members were in favor and the minutes from December 16, 2021 were approved.

Adjournment

Mr. Rich moved to adjourn. Mr. Leonardi seconded. All members were in favor and the meeting was adjourned at 8:54 p.m.